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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LABAZE, EDWYN

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/997,122

Applicant(s)

JOHNSON, MICHAEL W.

Examiner

EDWYN LABAZE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☒ Interview Summary (PTO-413) Paper No(s). 2.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

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DETAILED ACTION

1. Claims 1-19 are presented for examination.

Claim Objections

2. Claim 19 is objected to because of the following informalities:

The dependency of claim 19, an apparatus claim, should be of the independent claim 16 or one of the dependent claims of claim 16 not the method claim 8. The examiner will treat claim 19 as a dependent of claim 16.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, and 7 are rejected under 35 U.S.C. 102(b) as being unpatented by Amano (U.S. 5,761,061).

Amano discloses a data processing medium, which includes a processing and memory circuitry 14 (col.4, lines 1+), a primary battery 18 (col. 4, line 11) and a secondary battery 20 (col.4, line 19) for providing power to the processing and memory unit (col.4, lines 5+).

Re claims 4: Amano discloses a system, wherein the processing and memory circuitry comprises an interface for electrically connecting the smart cart to a host (col.3, lines 47+), the interface comprising a power line from the host (col.3, lines 50+), the second/auxiliary battery 20

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is rechargeable (col.4, lines 15+), and the smart cart further comprises a rechargeable circuitry for recharging the second/auxiliary battery 20 (col.4, lines 39-43; col.5, lines 6-25).

Re claim 7: Amano discloses access control 14 data stored in the processing and memory circuitry (col.4, lines 1-10). To one skilled in the art, the processing and memory unit of a smart card in which data is stored is a well-known technology and can be utilized for a variety of systems such as cable television system, portable phone system.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-3, and 16-19 drawn to the method claims 8-12, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amano (U.S. 5,761,061) over Vega et al. (U.S. 6,282,407).

Re claims 2, 8, and 16: The teachings of Amano have been discussed above.

Amano fails to disclose a non-rechargeable battery.

Vega et al. teaches an active electrostatic transceiver 101 and communicating system (col.5, lines 25-67), which includes energy storage means 360 that can be a non-rechargeable battery (col.9, lines 30-40).

In view of Vega et al.'s teaching, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ a non-rechargeable battery into Amano's teaching so that the power supply is providing as an alternate means of primary power and long lasting life of the product without replacement. Moreover, the non-rechargeable battery

is to be used as an emergency reserve so that in normal operation electrical energy is drawn from another rechargeable source available within the system. Furthermore, such modification would have been an extension as taught by Amano, therefore an obvious expedient.

Re claims 3 and 9: Amano teaches a system, wherein the primary battery is a lithium battery (col.4, lines 13+).

Re claims 10 and 17: Amano discloses a system, wherein the processing and memory circuitry comprises an interface for electrically connecting the smart cart to a host (col.3, lines 47+), the interface comprising a power line from the host (col.3, lines 50+), the second/auxiliary battery 20 is rechargeable (col.4, lines 15+), and the smart cart further comprises a rechargeable circuitry for recharging the second/auxiliary battery 20 (col.4, lines 39-43; col.5, lines 6-25).

Re claims 11 and 18: Amano teaches means of providing power to the processing and memory circuitry with the second/auxiliary battery 20 when the smart card is removed from the host (col.4, lines 1-10; col.5, lines 39+).

Re claims 12 and 19: Amano teaches a system, which comprises of charging the second battery before installation of the smart card, and powering the processing and memory unit with the second battery (col.5, lines 45+).

Re claim 15: Amano discloses access control 14 data stored in the processing and memory circuitry (col.4, lines 1-10). To one skilled in the art, the processing and memory unit of a smart card in which data is stored is a well-known technology and can be utilized for a variety of systems such as cable television system, portable phone system.

7. Claims 5-6 drawn to the method claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amano (U.S. 5,761,061) over Yamaguchi (U.S. 6,060,789).

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The teachings of Amano have been discussed above.

Amino fails to disclose a first and second diodes between the primary and secondary batteries.

Yamaguchi teaches a power supply switching circuit for portable equipment, which includes a first diode 205 and a second diode 206 (col.7, lines 43+).

In view of Yamaguchi's teaching, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate first and second diodes between the batteries in order to prevent discharges of one battery into the other one. Furthermore, such improvement would enhance the life of each battery and conserve the energy of the battery since the diode will prevent current from flowing out of the battery, therefore such modification would have been an obvious extension of Amano's teaching.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fiset (U.S. 5,589,719) discloses a card out of socket detector for IC cards.

Kim (U.S. 5,867,007) teaches a selection circuit for dual batteries in a battery powered electronic device.

Eguchi et al. (U.S. 5,547,775) discloses a circuit for preventing overcharge and discharge of second battery.

Rouyrre et al. (U.S. 5,841,119) teaches a smart tool for communication and an appliance making use thereof.

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Turtle et al. (U.S. 6,220,516) teaches a method of manufacturing an enclosed transceiver.

Turtle et al. (U.S. 6,325,294) discloses a method of manufacturing an enclosed transceiver.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (703) 305-5437.

The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

el
Edwyn Labaze
Patent Examiner
Art Unit 2876
January 6, 2003



KARL D. FRECH
PRIMARY EXAMINER